

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 06-00075-01-CR-W-GAF</b>
	)	
<b>LUIS DAMIAN,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

On May 23, 2006, upon motion by defendant's counsel, United States Magistrate Judge Sarah W. Hays entered an Order that defendant be committed to a United States Medical Center for Federal Prisoners, pursuant to 18 U.S.C. § 4247(b) and (c), to undergo a psychiatric examination, pursuant to 18 U.S.C. § 4241(b), to be conducted by a licensed or certified psychiatrist or psychologist employed by the institution to determine whether he is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

On August 2, 2006, a hearing was held on defendant's Motion for Determination of Competency before United States Magistrate Judge Sarah W. Hays. The parties stipulated to the evaluation report and no further evidence was presented.

On August 2, 2006, United States Magistrate Judge Sarah W. Hays issued her Report and Recommendation. Upon careful and independent review of the record, as well as the applicable law, and there being no objections filed to the Report and Recommendation, this Court hereby adopts and

incorporates as its own Opinion and Order the Report and Recommendation of United States

Magistrate Judge Sarah W. Hays.

Accordingly, it is

ORDERED that defendant Luis Damian is found to be competent to stand trial.

/s/ Gary A. Fenner  
GARY A. FENNER, JUDGE  
United States District Court

DATED: August 29, 2006